

REMARKS

Claims 1-10 of the subject application are currently pending. Of these claims, claims 1-7 stand rejected, whereas claims 8-10 are objected to. In the accompanying amendment claim 4 has been amended. Support for the amendment to claim 4 can be found in the written description, claims, and drawing as originally filed. Thus, the amendment to claim 4, does not add new matter.

Drawings

The examiner objected to the drawings under 37 CFR § 1.83(a). In this regard, the examiner has stated that:

The drawings must show every feature of the invention specified in the claims. Therefore, the mat with the grooved upper surface (claim 2) that forms part of the housing (claims 9 & 10) and the rim (claim 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

(Office Action mailed 7 September 2005, page 2.)

In response to the objection to the drawings, the applicant has added Figures 12 and 13 as per the attached "new sheet." As described on page 13, Figure 12 shows a weight sensor 10 which includes a grooved upper surface 65 and a grooved lower surface 64 which both enhance the dispersion of fluids, in use. Further, Figure 13 shows a pad 62 which includes a rim 63. It is respectfully submitted that by virtue of the addition of Figures 12 and 13, the drawings now show every feature of the invention specified in the claims. Moreover, Figures 12 and 13 do not add new matter, as the features shown therein are fully described in the specification and claims, as originally filed. On account of the foregoing, the examiner is respectfully requested to withdraw the objection to the drawings.

Claim Objections

The examiner objected to claim 4 stating that "it is unclear how the grooved lower surface will be shaped in order to have a grooved pattern "similar or same" as a motor vehicle tire." In response, the applicant has amended claim 4 by deleting the words "similar to or the same as that of a motor vehicle tire," from that claim. It is respectfully submitted, that claim 4, as amended is now clear. Accordingly, the examiner is respectfully requested to withdraw the objection to claim 4.

Claim Rejections Under 35 U.S.C. § 103

The examiner has rejected claims 1, 2, and 4-7 under 35 U.S.C. § 103(a) as being unpatentable over Gray (US 3,191,701) in view of Preisler (US 3,640,459). Applicants traverse

In rejecting claims 1, 2, and 4-7 the examiner has stated that:

Gray shows vehicle weighing sensors with a rigid grooved bottom, for traction, to prevent the sensors from sliding across the ground as a vehicle is driven upon them (Col. 2, lines 15-21). Gray does not show a resilient pad with a grooved upper surface and a grooved lower surface to place between the weighing sensor and the ground. However, resilient traction pads for vehicles, that have a grooved upper surface and lower surface, have been known for some time as shown by the example of Preisler (Col. 1, lines 65-73). These pads are intended to be placed between a grooved vehicle tire and the ground to provide improved traction under extremely slippery conditions (Preisler, Col. 1, lines 3-6). It would have been obvious to place the resilient traction mats (20) of Preisler under the weighing devices of Gray in order to provide improved traction for the weighing sensors under icy or muddy situations to prevent slippage of the weighing devices of Gray under extreme conditions.

(Office Action mailed September 7, 2005, pages 3 and 4.)

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicants endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

The field of applicant's endeavor relates to weight sensors. As described on page 2 of the specification, the inventor is concerned with the problem of the damaging effects of water between a weight sensor and a surface on which the weight sensor rests. The inventor is not at all concerned with the problem of slippage of the weight sensor as a vehicle moves over it. The subject application teaches a weight sensor accessory pad that is placed under a weight sensor to enhance dispersion of fluids trapped between the pad and a surface on which the pad rests. In one embodiment, described on page 11, the pad is used even when the weight sensor is embedded into a road. This is a clear indication that the pad is used to enhance fluid dispersion and not to prevent slippage of the weight sensor as it is not possible for an embedded weight sensor to slip. Priesler describes a traction pad for an automotive vehicle having pneumatic tires, that comprises a flat flexible mat formed with transverse treads on its upper surface (see abstract). As such, Priesler is clearly not in the field of applicant's endeavor. Further, Priesler is not reasonably pertinent to the problem posed by water under a weight sensor, as described on page 2 of the specification. Accordingly, it is respectfully submitted that the examiner cannot rely on Priesler as a reference under 35 USC § 103 as Priesler is non-analogous art.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

Gray describes a weighing apparatus for weighing trucks and other wheeled vehicles (see column 1). Further, in column 1, Gray states that "it is an object of this invention to provide lightweight highly portable apparatus for accurate measurement of the weight of truck and wheeled vehicles" (emphasis added). To the extent that the traction pad of Preisler is used to prevent slippage of the weighing apparatus of Gray, as suggested by the examiner, the weighing apparatus of Gray will become more bulky, and will have an extra part, thus detracting from the portability of the weighing apparatus of Gray. In other words, using the traction pad in combination with the weighing apparatus of Gray, will destroy one of the advantages of the weighing apparatus of Gray, i.e. its portability, thus making it unsatisfactory for its intended purpose. Hence, there is no suggestion or motivation to modify Gray as suggested by the examiner.

As noted above, in order to prevent slipping of the weighing apparatus on the ground, the bottom surface 14 of the weighing apparatus of Gray is grooved. In order to show that one of ordinary skill in the art would be motivated to combine Preisler and Gray, the examiner states that "*it would have been obvious to place the resilient mats 20 of Preisler under the weighing devices of Gray in order to provide improved traction for the weighing sensors under icy or muddy conditions to prevent slippage of the weighing devices of Gray under extreme conditions.*" Implicit in the examiner's argument, is that the traction mats of Preisler are more effective in preventing slippage than the grooved surface 14. However, the examiner does not state why this should be so. Thus, there is no suggestion or motivation to modify Gray as suggested by the examiner.

Even if Gray may be combined with Preisler, as suggested by the examiner, such a combination fails to teach or suggest all claim limitations. For example, one limitation of the pad of claim 1 includes *"a grooved lower surface made from an elastic material so as to enhance dispersion, in use, of fluids trapped between the pad and a surface on which the pad rests when a downward force is applied to the pad."* Preisler does not teach or suggest that the traction pad described therein is made of an elastic material so as to enhance dispersion. Accordingly, it is respectfully submitted that the combination of Gray and Preisler fails to teach or suggest all limitations of claim 1, and thus cannot render claim 1 obvious.

Given that claims 2-10 depend on claim 1, it is respectfully submitted that these claims also are not rendered obvious by the combination of Gray and Preisler.

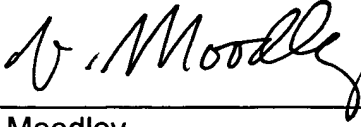
Applicant respectfully submits that the present application is in condition for allowance. If the examiner believes a telephone conference would expedite or assist in the allowance of the present application, the examiner is invited to call Vani Moodley at (650) 903-2257.

Please charge any shortages and credit any overages to Deposit Account No. 503437. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 503437.

Respectfully submitted,

HAHN & MOODLEY LLP

Date: 6 December 2005



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IN THE DRAWINGS

Please add Figures 12 and 13 as contained in the attached "new sheet."